

### **REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 12-28 are pending. Claims 12, 20, 21 and 26 are amended. Claims 12 and 21 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

#### **Reasons for Entry of Amendments**

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that amendments to the claims place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This amendment reduces the issues on appeal by amending claims 20 and 26 to be in compliance with 35 U.S.C. §112, second paragraph. This Amendment was not presented at an earlier date in view of the fact that the Applicants did not fully understand the Examiner's position until this Final Office Action was received.

#### **Allowable Subject Matter**

The Examiner states that claims 16-19 and 25 would be allowable if rewritten in independent form.

As described below, rather than rewriting any of claims 16-19 and 25 in independent form at this time, independent claims 12 and 21 are each amended to set forth a novel combination of elements not taught or suggested by the cited reference. Accordingly,

independent claims 12 and 21 and dependent claims 13-20 and 22-28 are believed to be in condition for allowance.

Further, the Examiner states that claims 26-28 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base and any intervening claims. As noted below, claims 20 and 26 have been amended to address the issues under 35 U.S.C. §112, second paragraph.

**Rejection Under 35 U.S.C. § 112, second paragraph**

Claims 20 and 26-28 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, claims 20 and 26 are amended herein to correct each of the deficiencies specifically pointed out by the Examiner. Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**Rejection Under 35 U.S.C. §102(b)**

Claims 12-15 and 20-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by Russo (U.S. 5,417,044). This rejection is respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 12 is amended herein to recite a combination of elements in a beach cleaner, including the grating portion being bent at an intermediate position supported by a support rod extending in the transverse direction, the

front portion and the rear portion sloping downwardly from opposite sides of the support rod, the front portion and the rear portion meeting at the support rod to form a downward facing obtuse angle.

Support for the grating portion 22 being bent at an intermediate position supported by a support rod 21 extending in the transverse direction, the front portion 22 and the rear portion 23 sloping downwardly from opposite sides of the support rod 21, the front portion 22 and the rear portion 23 meeting at the support rod to form a downward facing obtuse angle, can be found in the specification, for example in paragraph [0031]. See also FIGS. 4 and 7.

Independent claim 21 is amended herein to recite a combination of elements in a beach cleaner, wherein an angle of the reticulate portion relative to a horizontal plane is set smaller than the angle of the front portion of the grating portion relative to the horizontal plane, the angle between the reticulate portion and the front portion of the grating portion being a downward facing obtuse angle.

Support for an angle of the reticulate portion 29 relative to a horizontal plane is set smaller than the angle of the front portion 22 of the grating portion relative to the horizontal plane, the angle between the reticulate portion 29 and the front portion 22 of the grating portion being a downward facing obtuse angle, can be found in the specification, for example in paragraph [0034]. See also FIGS. 1, 4, and 7.

Applicants respectfully submit that the combination of elements set forth in each of independent claims 12 and 21 is not disclosed or made obvious by the prior art of record, including Russo.

Applicants respectfully submit that Russo fails to teach or suggest:

the grating portion being bent at an intermediate position supported by a support rod extending in the transverse direction, the front portion and the rear portion sloping downwardly from opposite sides of the support rod, the front portion and the rear portion meeting at the support rod to form a downward facing obtuse angle (as set forth in independent claim 12 of the present invention), or

an angle of the reticulate portion relative to a horizontal plane is set smaller than the angle of the front portion of the grating portion relative to the horizontal plane, the angle between the reticulate portion and the front portion of the grating portion being a downward facing obtuse angle (as set forth in independent claim 21)

No where does Russo teach or suggest a downward facing obtuse angle.

In view of the above described amendments and arguments, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 12 and 21 is not disclosed or made obvious by the prior art of record, including Russo, at least for the reasons explained above.

Therefore, independent claims 12 and 21 are in condition for allowance.

All dependent claims of this application are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) are respectfully requested.

**CONCLUSION**

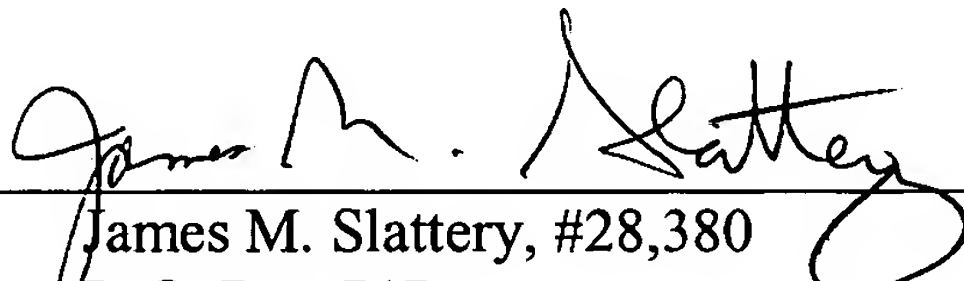
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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